

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID NOLLMEYER,

1:99-mc-00100-OWW-SMS

Plaintiff,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION** (Doc. 2)

vs.

BILL LOCKYER, et al.,

**ORDER DISMISSING PETITION FOR
MANDAMUS FOR FAILURE TO STATE
A CLAIM**

Defendants.

Plaintiff, David Nollmeyer ("plaintiff"), is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On August 30, 1999, the Magistrate Judge filed Findings and a Recommendation herein which were served on plaintiff and which contained notice to plaintiff that any objections to the Findings and Recommendation were to be filed within thirty (30) days. On September 17, 1999, plaintiff filed objections to the Magistrate Judge's Findings and Recommendation.

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1 In accordance with the provisions of 28 U.S.C.
2 § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the Court finds the Findings and Recommendation to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendation, filed August 30, 1999,
8 are ADOPTED IN FULL; and,

9 2. Plaintiff's petition for mandamus, interpreted as a
10 writ of mandamus, is DISMISSED for failure to state a claim.

11 IT IS SO ORDERED.

12 **Dated: March 19, 2008**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE